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EXAMINER

CADUGAN, ERICA E

ART UNIT	PAPER NUMBER
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3722

DATE MAILED: 11/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/068,278

Applicant(s)

LOCHER ET AL. *cl*

Examiner

Erica E Cadugan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 August 2002.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 39-130 is/are pending in the application.
- 4a) Of the above claim(s) 50-74, 83, 86, 91-99, 114, 119, 124 and 126-130 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 39-49, 75-82, 84, 85, 87-90, 100-113, 115-118, 120-123 and 125 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 July 1998 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 27 August 2002 is: a) ☐ approved b) ☒ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☒ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☒ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)                      4) ☒ Interview Summary (PTO-413) Paper No(s). 30.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.                      6) ☐ Other:

## **DETAILED ACTION**

### ***Faxing of Responses to Office Actions***

1. In order to reduce pendency and avoid potential delays, TC 3700 is encouraging FAXing of responses to Office Actions directly into the Group at (703) 872-9302. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into TC 3700 will be promptly forwarded to the examiner.

### ***Election/Restrictions***

2. For purposes of clarity, for the reasons set forth in the office action mailed February 27, 2001, claims 39-130 are pending in this application and of these, claims 50-74, 83, 86, 91-99, 114, 119, 124, and 126-130 are withdrawn from consideration.

### ***Oath/Declaration***

3. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02. While it is recognized that Applicant stated, in the response submitted August 27, 2002, that “[A]pplicant will promptly submit a Declaration making the appropriate changes to this application, as necessary”, until Applicant has done so, the present objection to the declaration still applies.

To restate the previously set forth explanation of why the oath or declaration is defective, the oath or declaration is defective because: it improperly claims benefit under 35 USC 120 (in the most recently filed declaration – in the older one it improperly claimed benefit of this

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application under 35 USC 119) of PCT/EP97/05216. Note that the present application was filed under 35 USC 371 as being the national stage application of PCT/EO97/05216, and that the notice of acceptance of the present application under 35 USC 371 (paper number 6) was mailed on July 14, 1999. Thus, the present application thus may not claim benefit of the filing date of the international application of which it is the national stage since its filing date is the date of filing of that international application. See MPEP §1893.03(c). In other words, **it is improper for the present 371 application to claim priority to itself.**

It is noted that Applicant stated (on page 22 of the response submitted 8/27/02) the following:

In numbered paragraph 12, the Examiner quotes Applicant's statement that the application was filed as a national stage application. Applicant's statement referred to the entry of this application into the National Stage under 35 USC 371. Thereafter, an RCE was filed on October 18, 2001. We respectfully request that the Examiner make note of this to correct any confusion on this point.

It appears that from these statements that Applicant may be asserting that by filing an RCE of the present National Stage application filed under 35 USC 371, the present application is no longer a National Stage application filed under 35 USC 371. However, this is not the case. See, for example, MPEP section 706.07(h), which states that an "RCE is in fact continued examination of the same application", filed under statutory authority from 35 USC 132(b), i.e., is not a "new" application filed under statutory authority from 35 USC 111(a), 120, or 121. Thus, the above explanation, previously provided, about the deficiencies of the declaration, has not changed.

A new declaration is required, as indicated above, correcting the above-noted deficiencies.

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***Priority***

4. Acknowledgment is made of applicant's claim for foreign priority under 35

U.S.C. 119(a)-(d) to PCT/EP96/04790. A request for the certified copy of this application has been made to WIPO. Acknowledgment is made of applicant's claim for priority under 35

U.S.C. 119(a)-(d) based upon an application No. 3235/95 filed in Switzerland on November 6, 1995. **A claim for priority under 35 U.S.C. 119(a)-(d) cannot be based on said application, since the International Application of which the present application is the national stage (PCT/EP97/05216) was filed more than twelve months thereafter. See 35 U.S.C. 119(a)-**

**(d)), and particularly section 119(a) which states the following:**(a) An application for patent for an invention filed in this country by any person who has, or whose legal representatives or assigns have, previously regularly filed an application for a patent for the same invention in a foreign country which affords similar privileges in the case of applications filed in the United States or to citizens of the United States, or in a WTO member country, shall have the same effect as the same application would have if filed in this country on the date on which the application for patent for the same invention was first filed in such foreign country, **if the application in this country is filed within twelve months from the earliest date on which such foreign application was filed;** but no patent shall be granted on any application for patent for an invention which had been patented or described in a printed publication in any country more than one year before the date of the actual filing of the application in this country, or which had been in public use or on sale in this country more than one year prior to such filing.

In the instant case, the application in this country, i.e., PCT/EP97/05216, which is an international application designating the U.S., was filed on September 23, 1997, which is **later** than twelve months from the date of filing of the Swiss application no. 3235/95, filed November 6, 1995, and thus, PCT/EP97/05216 is not entitled under 35 USC 119 to the priority date of Swiss application no. 3235/95.

Additionally note that the claim for priority to the Swiss application No. 3235/95 was not made in the request of the International application of which the present application is the

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national stage. For purposes of clarity, the present application is a 371 of PCT/EP97/05216 (filing date of PCT is 9/23/1997), and additionally, a proper claim for priority under 35 USC 119 to the following applications has been made: Swiss Application 2329/36 (filing date 9/23/1996) and PCT/EP96/04790 (filing date 11/4/1996). *Drawings*

6. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “group of cable processing tools” consisting of at least one of “clamping tools, marking apparatuses and grinders” of claim 43 and the processing station comprising at least one transport or processing station, selected from the group consisting of “an insulation stripping station, a sawing station, a cutting station, a twisting station, a shaping station, a crimping station, a soldering station, a cable processing station, and a manipulator” of claim 101 must **each** be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

7. Note also that the Form PTO-948 (Notice of Draftsperson’s Patent Drawing Review) that was an attachment to paper number 12 objected to the drawings because of the German captions, among other things.

8. Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect may be deferred until after the examiner has considered the proposed drawing correction. Failure to timely submit the proposed drawing correction will result in the abandonment of the application.

9. Corrected or substitute drawings were submitted on August 27, 2002. Specifically, a proposed new Figure 33 was submitted to attempt to show the claimed features indicated in the office action mailed February 27, 2002 as not being shown. Applicant has cited a number of

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locations in the specification as originally filed for providing support for the newly-filed Figure.

However, none of these locations teach the level of detail shown in the proposed Figure 33.

However, note that claim 43 sets forth plural tool holders in a “lateral direction”, (which lateral is “sideward” with respect to the transport path of the cable, per claim 39). Newly proposed Figure 33 does not show lateral plural toolholders holding at least two tools selected from the group of cable processing tools consisting of at least one of “clamping tools, marking tools, and grinders” as set forth in claim 43, but instead shows marking rollers 205, 206 (per the paragraph added to the specification, page 42, before the last paragraph, that describes Figure 33, in the response filed 8/27/2001) spaced longitudinally along the transport path from holders holding cutting knives, spaced longitudinally from grinders 208, 209 (per the paragraph added to the specification, page 42, before the last paragraph, that describes Figure 33, in the response filed 8/27/2001), and thus claim 43 does not provide support for newly-proposed Figure 33.

Regarding the assertion (p. 22 of the response filed August 27, 2002) with respect to original claim 14, original claim 14 depended from any of the preceding claims, including original claim 2, and original claim 2 depended from original claim 1. Original claim 1 set forth “at least one knife station”, original claim 2 further set forth that “the knife station for receiving a plurality of tools is formed transversely with respect to the transport path so that each tool can be positioned in a working position along the transport path, at least two, optionally continuously positionable, holding apparatuses being provided for the tools, and the tools being selected from the group consisting of the cable-processing tools, for example, comprising: knives, crimping tools, twisting tools, punching tools, clamping apparatuses, marking apparatuses, grinding apparatuses, etc.”, and original claim 14 further set forth “wherein a plurality of tool support feed

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means having a plurality of tool supports (1,2) are arranged along the axis". Note that nothing in these claims, nor in the specification as originally filed, provides the level of detail shown in newly-proposed Figure 33. For example, nothing in the specification as originally filed teaches the order of the marking, cutting, and grinding devices shown in new Figure 33, nothing teaches that the marker is a roller-type marker, nothing teaches that the grinder is a roller-type grinder. Additionally, these claims set forth "at least two, optionally continuously positionable holding apparatuses provided for the tools", e.g., markers, grinders, clamping apparatuses, etc., (see original claim 2). Note that Figure 2 does not show the marking and grinding devices in the originally-claimed manner, but rather shows rollers that are not held by any "holding apparatuses".

Therefore, newly-proposed Figure 33 constitutes new matter as the specification as originally filed did not provide support for the arrangement of tools set forth in this figure.

**Therefore, the proposed drawing correction submitted August 27, 2002, is not approved.**

10. Additionally, note that there are other types of stations set forth in claim 101 as described above that are not shown in proposed Figure 33, and thus proposed Figure 33 does not overcome the objection to the drawings as not showing details of all elements of the claimed invention.

### ***Specification***

11. The amendment filed August 27, 2001 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: the new paragraph describing Figure 33. Note that the specification as originally filed does not provide support for the particular arrangement



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of tools set forth in this paragraph, as described in the above explanation about why Figure 33 is not approved.

Applicant is required to cancel the new matter in the reply to this Office Action.

***Claim Rejections - 35 USC § 112***

12. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

13. Claims 40, 75-82, 100-113, 115-116, and 125 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 40, 75-82, 100-113, 115-116, and 125 are replete with instances that do not particularly point out and distinctly claim the subject matter of applicant's invention. Examples of these instances are listed below, but these instances are not limited to the listed examples. Applicant is advised to closely review the indicated claims for other occurrences. It is noted that Applicant, on pages 20-21 of the response filed August 27, 2002, made a number of explanations to try to clarify many of the issues with respect to 35 USC 112, second paragraph that were pointed out by the examiner in the office action mailed February 27, 2002. However, it is noted that in many cases, Applicant did not amend the claims in question. For example, in the rejection of claim 40 under 35 USC 112, second paragraph, the Examiner stated that "it is unclear how the upper and lower positions of the tools "can be combined" as claimed", for which Applicant provided an explanation on page 20 of the aforementioned response. However, Applicant did not amend this claim. Thus, the rejection still applies, because it is unclear **as set forth in the claim** how or in what regard the "upper and lower positions" of the tools "can be combined".

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There are several positively recited limitations that lack sufficient antecedent bases in the claims. The following list of examples is not meant to be all-inclusive. Examples of these instances are: "said clamping and centering apparatus" in claim 77; "said processing station" in claim 79 (plural different ones previously set forth); "said clamping and centering jaws" in claim 77; "the rotatable blade" in claim 82 (previously at least one); "said clamping and centering apparatus" (previously "at least one") in claim 113; "said transport path" in claim 115, etc. Applicant is required to review the indicated claims for further similar instances.

In claim 82, it appears that in line 2, "and" should be changed to --or-- to be consistent with the alternative "or" provided in claim 75. Otherwise, it is unclear how many rotatable blades applicant is intending to set forth, as claim 75 only provides one rotatable blade via the alternative "or" in line 3.

As set forth in claim 100, it is unclear as claimed in what regard a "path", i.e., a location, is "coordinated" with a "processing station". As a side note, it is noted that the structure of claim 100 is not tied or related in any way via any claim language to the structure set forth in claim 88.

In claim 107, it is unclear via the use of the indefinite article "a" as claimed whether "a tool support" is intended to be a subset of the "at least one tool support" previously set forth (in claim 88).

In claim 40, it is unclear how the upper and lower positions of the tools "can be combined" as claimed.

In claims 75 and 108, it is unclear as claimed whether "the first processing station" (cl. 75, "the processing station" in cl. 108) comprises (in one alternative) "a second processing station", or whether the "apparatus" comprises either of a "first" (cl. 75, "a processing station" in

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cl. 108) or a “second” processing station. Also in claim 75, it is unclear from “at least one transport path” what the path is a transport of, i.e., for transporting what?

In claim 107, as amended, the scope of the claim is unclear because it is unclear as claimed what actuators are encompassed by the limitation of “a motor-controlled actuator (101) known per se”, i.e., it is unclear exactly what constitutes a “known per se” motor-controlled actuator. Examiner suggests deleting “known per se” from this claim.

In claim 125, it is unclear as claimed in what regard the action of opening and closing the belts is “cable-shape dependent”.

***Claim Rejections - 35 USC § 102***

14. Claims 88, 39-46, 89, 90, 84, 117, and 123, as best understood, are rejected under 35 U.S.C. 102(a) as being anticipated by Japanese Patent No. 09-046844 (Tomoji).

15. Applicant cannot rely upon the foreign priority papers to overcome this rejection because a certified translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

16. Tomoji discloses the claimed invention comprising: a pair of tool supports (not numbered, but attached to the bottoms of supporting bodies 4, 4'), at least two tools 7 in pairs 7A-7D (see Figure 2), and a tool support feed 3 above a first transport path (not numbered but coincident with 8), along which a cable/wire 8 is inserted in a feed direction, wherein the tool support feed 3 is formed for a controlled lateral drive along moving rails 5, 5' (see Figure 2 and abstract, lines 4-5 of the “Solution” section) for controlled sideward movement of the tool supports. Note that rails 5, 5' are perpendicular to the vertical (as viewed in Figure 2) working direction of the tools. Also note, with respect to claim 88, that the lateral positioning of the tool

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support can be controlled to any number of desired positions along rails 5, 5'. With respect to claims 90 and 40, Tomoji also discloses separate tool support feeds 3, 3' coordinated with each of the tool supports (see Figure 2 and abstract, line 5 of the "Solution" section that teaches selective movement). With respect to claim 41, the tool supports are both ultimately connected to the part shown in Figure 2 as element 2, and "can" be displaced together with this common support part. With respect to claim 42, note that the pairs of tools (first pair 7B, 7D; second pair 7A, 7C as shown in Figure 2) are arranged laterally with respect to the wire feed direction, and that the tools or knives 7A-7D are cable processing tools (see entire Abstract). With respect to claim 43, it is noted that blades are cutting tools. With respect to claim 89, the tool supports are "adjustable" toward and away from the path of the wire 8 both vertically (as viewed in Figure 2) and horizontally (as viewed in Figure 2) along rails 5, 5'. With respect to claims 84 and 117, as best understood, applicant is claiming that at least one from the list of (1) upper and lower roller, (2) continuous belts of a pair of rollers, (3) a pair of continuous belts, and (4) upper and lower tool holders, has each of the plurality of items (i.e., if item (1) is met, both the upper and the lower roller) displaceable as claimed. Tomoji teaches that both the upper and lower tool holders are displaceable transversely with respect to the transport path as described above (i.e., both vertically and horizontally as viewed in Figure 2). Note that if the upper tool holder was moved to the right (as viewed in Figure 2) along rail 5 and the lower tool holder was moved to the left (as viewed in Figure 2) along rail 5', a cable lying in between the tool holders could be twisted. With respect to claim 123, the tools 7A-7D, the supports, and the positioners are all within one "module" as viewed in Figure 2.

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17. Claims 88, 39, 41-49, 75-79, 81, 84, 85, 89, 100-113, 115-118, and 121-123, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,879,926 (Wollermann et al.). Wollermann et al. teaches a wire insulation stripping apparatus (shown in Figure 1 as a whole) having programmable strippers 12 at workstations WS (see Figure 1 and column 9) for stripping the ends of wire segments 18 that are continuously fed via conveyor mechanism 11 (see Figure 1). Each workstation WS (there are two such workstations shown in Figure 1) has a turret 76 (Figures 1, 2, 7, 8). Each turret 76 has an upper sector 77B and a lower sector 77A (see Figures 2 and 10 specifically). Each of these sectors has a plurality of insulation cutting means such as 101A and 101B including knives such as 91A and 91B arranged in pairs (Figures 10, 7, and 2, and column 11, lines 27-44 and column 12, lines 1-19). The upper and lower sectors 77B and 77A constitute "tool supports". The turret 76 is rotated about the axis of shaft 43 by a drive means 90 that includes a step motor 92 (Figures 3 and 7 and column 11, lines 57-60). Note that control of the various drives taught by Wollermann are effected by a CPU (column 9, lines 20-24), and that a sensor is employed in conjunction with the CPU to signal a home position when a wire to be stripped is in position (column 16, lines 33-42). Also note that as the turret 76 is rotated, the tool supports 77A and B will be moved in a direction that is perpendicular to the working direction of the tools (as the tool working direction extends into the paper as viewed in Figure 1 and the direction of movement of the tool supports 77A and B is in the plane of the paper as viewed in Figure 1). Note that the embodiment shown in Figures 7 and 8 has six mounting portions 87, each of which can have a pair of blades mounted thereto, and that thus the supports can be controlled to at least six different positions. With respect to claim 39, note that the feed direction of the wire or cable 18 is vertically as

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shown in Figure 1, and that the bisecting centerline of each wire or cable 18 (would be vertical as shown in Figure 1) defines a "first transport path" as the wire or cable 18 is fed via the conveyor 11. With respect to claim 41, the upper and lower tool supports 77B and 77A are both mounted on shaft 43 for rotational movement therewith (column 11, lines 3-6 and 46-47). With respect to claim 44, the tool supports 77B and 77A have mounted thereon slide members 106B and 106A (Figures 10 and 4) which in turn have mounted thereon the blades 91B and 91A (Figures 4 and 10 and column 15, lines 11-12). Actuation of transducers 171A and 171B actuates the slide members 106B and 106A of the tool supports toward and away from one another, which is also toward and away from the first transport path (Figure 4 and column 15, lines 11-20). With respect to claim 46, note that the cable or wire 18 is fed between pairs of blades 91B and 91A (Figures 2-5). With respect to claims 75 and 108, note that the blades are mounted to a rotating turret 76 as described above, and that the axis of rotation of the turret extends along shaft 43 which is "along", i.e., beside or at hand to, the first transport path as set forth above. With respect to claims 76 and 109, the cable or wire 18 is held via gripping and guiding means 141 while being incised with the blades 91A, 91B (column 16, line 56 through column 17, line 1). As viewed in Figure 4, the gripping and guiding means 141 utilizes upper and lower gripping jaws 152 and 151 to grip the wire 18 on two sides thereof. As the gripping and guiding means 141 is guiding the wire to a desired position and then holding it there (note "gripping" and "guiding" means), it inherently holds the wire 18 in a "centered" manner. Also note that the gripping jaws 152 and 151 are in the immediate vicinity of the blades 91A and 91B (see Figure 4). With respect to claim 110, the blade and clamping drives are "coupled" via common control by the CPU. With respect to claim 111, as best understood, the clamping and blade drives are

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“separated” in that they do not function simultaneously (columns 16-17). With respect to claims 112 and 113, note that while the gripping jaws are holding the wire 18, they do not rotate. With respect to claim 77, note that a vertical plane that is in the plane of the paper as viewed in Figure 4 could intersect or contain both of the gripping jaws 152 and 151 such that they would “lie” in a plane, and that each jaw has a retaining surface (not labeled, but shown as approximately horizontal in Figure 4). Note that it is “possible” to close the jaws 152 and 151 to approximately zero cable diameter by pivoting them about pivot shafts 157 and 156 until the jaws meet (see Figure 4). With respect to claim 78, note that the gripping and guiding means 141 has a slide frame 142 that reciprocates in the direction of arrows 198 and 199 (see Figures 6 and 11 and column 14, lines 12-19), and that the gripping and guiding means 141 comprises set screws 158 and 159 that function as stops to vary the open spacing between the gripper jaws 152 and 151 (column 14, lines 29-37). Specifically regarding claim 79, the workstations WS include the blade turret 76 and the gripping and guiding means 141. The workstations WS each constitute “automatic processing modules”, and are “removably” mounted on the cable processing machine (shown as a whole in Figure 1), in that the workstations can or are “able” to be removed via removing machine bolts 26 (see column 9, lines 45-58 and Figures 2-4). Specifically regarding claim 81, jaws 152 and 151 are part of arms 149 and 148 which are shown in Figure 4 as “L-shaped”, and the jaws 152 and 151 each have a serrated gripping portion (column 14, lines 39-41) that covers a “substantial” axial range of a cable sheath and ends that project directly adjacent to the knives 91A and 91B (see Figure 4). With respect to claims 84 and 117, as best understood, applicant is claiming that at least one from the list of (1) upper and lower roller, (2) continuous belts of a pair of rollers, (3) a pair of continuous belts, and (4) upper and lower tool

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holders, has each of the plurality of items (i.e., if item (1) is met, both the upper and the lower roller) displaceable as claimed. Wollermann teaches that the slide members 106B and 106A (described above) are mounted on tool supports 77B and 77A for movement toward and away from one another, which is also toward and away from the first transport path (Figure 4 and column 15, lines 11-20). With respect to claims 85 and 118, note that the arms 148 and 149 can be “swiveled” downwardly and upwardly about pivot shafts 156 and 157. With respect to claim 100, note that the conveyor mechanism 11 is composed of two spaced apart conveyor units 16 and 17, one of which is stationary and one of which is laterally adjustable (column 9, lines 31-37) via movable carriage 31 (column 10, lines 43-55). As described above, the bisecting centerline of the wires 18 (would be vertical as viewed in Figure 1) describes a transport path. If the carriage 31 is moved in the direction of arrows 74A and 74B (Figure 7, column 10, lines 43-55, which is to the left or right as viewed in Figure 1), a different bisecting centerline would be defined, and thus a different transport path would be defined. With respect to the further processing station, as described above, there are plural stripper 12 workstations WS, and additionally, there are also terminal applying stations 19 (Figure 1 and column 9, lines 32-44) which could constitute any of the “shaping station”, the “crimping station”, or the “cable processing station” set forth in claim 101. With respect to claim 102, the carriage 31 is mounted in linear guideways 23 (column 9, lines 55-58) transversely to the transport paths as described above, and “can be” moved via a drive apparatus including step motor 58 (column 10, lines 43-52). Specifically regarding claim 103, as previously described, conveyor units 16 and 17 serve to transport the cable or wire 18, and could be considered with respect to this particular claim to be “transporters”, and as viewed in Figure 1, the conveyors 16 and 17 each extend vertically



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beyond the top and bottom (constituting the “both sides” claimed) of each of the stripping 12 stations WS. With respect to claims 104 and 105, the CPU controls all of the drives in prearranged sequences (column 9, lines 20-24). With respect to claim 107, note that the claim is not a method claim, and that Wollermann teaches the claimed apparatus structure of a transporter (the carriage 31 in this instance) that is connected to the blade station WS by the step motor 58 that positions both the carriage 31 and the stripping device (i.e., the turret 76 and the gripping and guiding means 141) as the stripping device is attached to the carriage (column 10, lines 43-64). Note that the adjustment of carriage 31 could result in a “diametrically opposite” transverse “adjustment” of the stripping station WS as they can be moved relative to one another (column 10, lines 63-64). With respect to claim 115, note for example that the carriage 31 (which could be considered a transporter) has ultimately mounted thereon the knives 91A and 91B which are movable “symmetrically with respect to the transport path as described above. With respect to claim 106, note that the two conveyors 16 and 17 are also controlled by the CPU.

***Claim Rejections - 35 USC § 103***

18. Claims 87, 120, and 125, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,879,926 (Wollermann et al.) as applied to claims 88 and 39 above, and further in view of U.S. Patent No. 5,109,598 (Koch). Wollermann et al. teaches all aspects of the invention as claimed in claims 87, 120, and 125 as described in the above rejection based thereon, but does not teach that the cable drives 16 and 17 are belt drives. Koch teaches a driving system for clamping and driving a cable 18 utilizing a stationary belt drive 1 (Figures 1 and 2, column 4, lines 12-15) and a displaceable belt drive 2 (Figures 1 and 2 and column 4, lines 22-25). Koch’s belt drives are coordinated with the cable-working (in this case, a stripper and

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terminal applicator) device (column 6, lines 4-25). In the cable driving devices 16 and 17 taught by Wollermann, very little detail is provided. Note that in Figure 4 of Wollermann, it appears that the wire or cable 18 is passed through an oversized bore in conveyor 17 so as to be conveyed thereby. This system, while allowing a variety of wire diameters to be used, does not provide for firm gripping of the wire 18 by the conveyor 17, which could lead to manufacturing error.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have substituted each of the conveyors 16 and 17 taught by Wollermann et al. with first and second belt drives (for a total of four belt drives) as taught by Koch and to have coordinated the movement of these belt drives with the CPU taught by Wollermann et al. for the purpose of increasing manufacturing accuracy by providing that the transported wires are positively clamped by the conveyors.

#### ***Allowable Subject Matter***

19. Claims 80 and 82, as best understood, would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

20. Applicant's arguments submitted August 27, 2002 have been fully considered but they are not persuasive.

21. It appears that Applicant's arguments with respect to any prior art rejection appear to be based on Applicant's assertions that Applicant is entitled to the priority date of Swiss application 3235/95 filed November 6, 1995. However, this is not persuasive. Firstly, Applicant is not entitled to the priority of the Swiss application 3235/95 for the reasons described above.

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Additionally, with respect to the Tomoji reference (Japanese Patent Document 09046844), note that the publication date of the Tomoji reference is February 14, 1997, and thus, the Tomoji reference is prior art under 35 USC 102(a) because Applicant has not provided a certified translation of the priority documents being relied upon to overcome the Tomoji reference (specifically, of the Swiss 2329/36 application filed 9/23/1996).

22. Additionally, note that the other art rejections pending in the case are based on art that would not be overcome even with the 1995 date of the Swiss application. For example, note that U.S. Pat. No. 4,879,926 (Wollermann et al.) was published in 1989.

23. Also, with respect to Applicant's assertions regarding "the enclosed WO publication sheet 98/13907, with inter-line translation", it is noted firstly, that the copy of this document provided by Applicant does not match the copy of this document provided to the USPTO by WIPO and thus the document supplied by Applicant cannot be relied upon by the Examiner for making any determinations. Secondly, it is noted that, even for the sake of argument, if the document supplied by applicant was able to be relied upon, note that for the detailed reasons set forth above, Applicant is still not entitled to the 1995 filing date of the Swiss application 3235/95.

### ***Conclusion***

24. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erica E. Cadugan whose telephone number is (703) 308-6395. The examiner can normally be reached on M-F, 7:30 a.m. to 5:00 p.m., alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea L. Wellington can be reached on (703) 308-2159. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

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ecc

November 19, 2002

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